

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SCANTEK MEDICAL, INC.,

Index No.: 08 CV 00453 (CM)

Plaintiff,

-against-

ANGELA CHEN SABELLA and  
ACCORDANT HOLDINGS, LLC,

Defendants and  
Third-Party Plaintiffs,

-against-

MINTZ & FRAADE, P.C., FRED MINTZ, ALAN  
FRAADE, MINTZ & FRAADE ENTERPRISES, LLC,  
ZSIGMOND L. SAGI, and GIBRALTAR GLOBAL  
MARKETING LLC,

Third-Party Defendants.

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**NOTICE OF MOTION TO DISMISS**

To:  
Kenneth Sussmane, Esq.  
McCue Sussman & Zapfel, P.C.  
521 Fifth Avenue, 28<sup>th</sup> Floor  
New York, NY 10175  
Attorney for Defendants and Third-Party Plaintiff

**PLEASE TAKE NOTICE** that, upon the Counterclaims and the Third-Party Complaint, the accompanying memorandum of law, the Affidavits of Alan P. Fraade, Frederick M. Mintz, Patricia Furness, and the Declaration of Zsigmond L. Sagi and the accompanying exhibits, Plaintiff and Third-Party Defendants will move this Court at the United States District Courthouse, located at 500 Pearl Street, New York, New York,

before the Honorable Colleen McMahon, United States District Judge, for an Order dismissing Counterclaims IV, V, VI, and VII of the Answer and Counterclaims and Counts IV, V, VI, VII, VIII, IX and X of the Third Party Complaint for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6)

Dated: New York, New York  
May 23, 2008

*/s/ Alan P. Fraade*

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Alan P. Fraade (AF9602)  
Co-Attorney for Plaintiff, Third Party Defendants  
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Sagi  
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*/s/ Edward C. Kramer*

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Edward C. Kramer (EK8411)  
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